

ORDINANCE NO. 02-14

AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF HAYWARD, REGULATING THE ALTERATION, CONSTRUCTION, INSTALLATION AND REPAIR OF VENTILATING, REFRIGERATION, AND HEAT PRODUCING EQUIPMENT (MECHANICAL EQUIPMENT); PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND PRESCRIBING PENALTIES FOR VIOLATION OF SAID MECHANICAL CODE; AND REPEALING ORDINANCE NO. 99-07 AND ALL AMENDMENTS THERETO

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 99-07, and all amendments thereto, is hereby repealed and in substitution thereof a new Mechanical Code for the City of Hayward is hereby enacted to read as follows:

MECHANICAL CODE
OF THE CITY OF HAYWARD

SEC. 1.00 MECHANICAL CODE ADOPTION BY REFERENCE. The 2001 California Mechanical Code which is based on the 2000 edition of the Uniform Mechanical Code and Appendix thereto, published by International Association of Plumbing and Mechanical Officials as amended by the State pursuant to Health and Safety Code Section 17922, and as further modified by these amendments, additions, alterations and deletions set forth hereinafter, is hereby adopted by reference as the Mechanical Code of the City of Hayward

A printed copy of such Mechanical Code is on file in the office of the City Clerk to which reference is hereby made for further particulars.

Reference is also made to the State's Matrix Adoption Tables which identify local Building Official's responsibility to enforce certain amendments.

SEC. 2.00 AMENDMENTS, ADDITIONS, AND DELETIONS TO UNIFORM MECHANICAL CODE. Set forth below are the local amendments, additions, and deletions to the Uniform Mechanical Code, 2000 Edition. Chapter and section numbers used herein are those of the Uniform Mechanical Code.

PART I
ADMINISTRATIVE

CHAPTER I
TITLE AND SCOPE

SEC. 101 TITLE. (Amendment.) This ordinance may be cited and shall be known as the "Mechanical Code of the City of Hayward."

Reference is made to Chapter 1 Administration, of 2001 California Building Code, which is based on the 1997 Uniform Building Code as published by the International Conference of Building Officials including local amendments.

PART II
ORGANIZATION AND ENFORCEMENT

SEC. 108 POWERS AND DUTIES OF BUILDING OFFICIAL.

SEC. 108.3 RIGHT OF ENTRY. (Amendment.) Upon presentation of proper credentials, the Building Official or their duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and

for probable cause, any structure, building, or premises in the City to perform any duty imposed upon the Building Official by this code, except in emergency situations.

The Building Official or their duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Building Official possesses an inspection warrant obtained and issued in the manner provided by sections 1822.50 et seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or their duly authorized representative, while in the performance of the duties described above, from entering upon and into any building structure, or premises under this jurisdiction, at all reasonable hours during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, section 1-3.00 et seq. of the Hayward Municipal Code.

SEC. 109 UNSAFE EQUIPMENT.

SEC. 109.1 HAZARDOUS CONDITIONS. (Amendment.) Any equipment regulated by this code which is unsafe or which constitutes a fire or health hazard or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Any use of equipment regulated by this code constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purpose of this section, an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Dangerous Building Code of the City of Hayward or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct, or abate the violation.

SEC. 110.1 BOARD OF APPEALS. (Amendment.) In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by the City Manager as the occasion arises. The Building Advisory Committee is the Board of Appeals.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by a determination of the Building Official relative to the suitability of alternate materials and methods of construction may request a review of the determination by the Building Advisory Committee. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final. Any reference in this code to "Board of Appeals" shall mean the Building Advisory Committee and its decision shall be final.

SEC. 114 PERMIT ISSUANCE.

SEC. 114.6 TO WHOM PERMIT MAY BE ISSUED. (Addition) Permits may only be issued to a person holding a valid State of California Mechanical License except when otherwise provided in this section.

Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the applicant is the owner and occupant of such buildings, accessory buildings, or quarters.

SEC. 115 FEES.

SEC. 115.2. Permit Fees. The fee(s) for each permit shall be as established from time to time by resolution of City Council.

SEC. 115.6.4 WAIVER OF FEES. (Addition) The Building Official is hereby authorized to waive permit fees for minor repairs and rehabilitation for single-family dwellings where the applicants total verified housing income is no more than:

\$28,150 per year - 1 person family
\$32,150 per year - 2 person family
\$36,200 per year - 3 person family
\$40,200 per year - 4 person family
\$43,400 per year - 5 person family
\$46,650 per year - 6 person family
\$49,850 per year - 7 person family
\$53,000 per year - 8 person family

SEC. 115.6.5 PENALTY FEE. (Addition) Any person who begins any heating, ventilating, refrigeration equipment, or cooling work for which a permit is required without first having obtained a permit, if subsequently permitted to obtain a permit, shall pay double the permit fee, with a minimum of \$86.00 or such other minimum established from time to time by City Council resolution. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

TABLE NO. 1-A MECHANICAL PERMIT FEES. (Delete schedules and add the following note.)

NOTE: Mechanical permit fees are established from time to time by City Council resolution. For current fee schedule refer to such resolution.

CHAPTER II

SEC. 229 ADDITIONAL WORDS AND PHRASES. (Addition)

"CITY OF" or "THE CITY" shall mean the City of Hayward as the text may require.

"CITY COUNCIL" shall mean the City Council of the City of Hayward.

"H.M.C." shall mean the Hayward Mechanical Code.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held
the 1st day of October 2002, by Council member Ward .

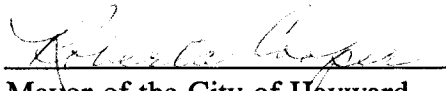
ADOPTED at a regular meeting of the City Council of the City of Hayward held the
8th day of October , 2002, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS: Jimenez, Hilson, Rodriquez, Ward, Dowling, Henson
MAYOR: Cooper

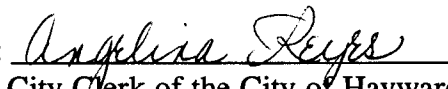
NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None


ABSENT: COUNCIL MEMBERS: None

APPROVED: 
Mayor of the City of Hayward

DATE: October 21, 2002

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward

Daily Review

c/o ANG Newspapers
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Hayward, CA 94541
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CITY OF HAYWARD
777 B STREET, ATTN: CONNIE MACIAS
HAYWARD CA 94541

PROOF OF PUBLICATION

FILE NO.

In the matter of

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the DAILY REVIEW, a newspaper of general circulation as defined by Government Code Section 6000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 234 933 AND 244 264), which is published and circulated daily in said county and state.

The PUBLIC NOTICE

was published in every issue of the DAILY REVIEW on the following date(s):

10/5/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


Public Notice Advertising Clerk

Legal No. 0000155097

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF HAYWARD, REGULATING THE ALTERATION CONSTRUCTION, INSTALLATION AND REPAIR OF VENTILATING, REFRIGERATION AND HEAT PRODUCING EQUIPMENT (MECHANICAL EQUIPMENT); PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND PRESCRIBING PENALTIES FOR VIOLATION OF SAID MECHANICAL CODE; AND REPEALING ORDINANCE NO. 99-07 AND ALL AMENDMENTS THERETO

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OF THE CITY OF HAYWARD

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SEC. 2.00 AMENDMENTS, ADDITIONS, AND DELETIONS TO UNIFORM MECHANICAL CODE

PART I

ADMINISTRATIVE

CHAPTER I

TITLE AND SCOPE

SEC. 101 TITLE

PART II

ORGANIZATION AND ENFORCEMENT

SEC. 108 POWERS AND DUTIES OF BUILDING OFFICIAL
SEC. 108.3 RIGHT OF ENTRY
SEC. 109 UNSAFE EQUIPMENT
SEC. 109.1 HAZARDOUS CONDITIONS
SEC. 110.1 BOARD OF APPEALS
SEC. 114 PERMIT ISSUANCE
SEC. 114.6 TO WHOM PERMIT MAY BE ISSUED

SEC. 115 FEES

SEC. 115.2

SEC. 115.6.4 WAIVER OF FEES

SEC. 115.6.5 PENALTY FEE

CHAPTER II

SEC. 229 ADDITIONAL WORDS AND PHRASES

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a regular meeting of the Hayward City Council held October 1, 2002, the above-entitled ordinance was introduced by Council Member Ward.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on October 8, 2002, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. Copies of the full text of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street, Hayward Public Main Library, 835 "C" Street, or the Weekes Branch Library, 27300 Patrick Avenue.

DATED: October 5, 2002

ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD

The Daily Review, #155097
October 5, 2002